

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TODD GOLDMAN,

Plaintiff,

-against-

ELI WEISMAN, ROY REVIVO, QUALITY
ART AUCTIONS, INC., and NOAH WEISMAN,

Defendants.

23-CV-7052 (JGLC)

ORDER

JESSICA G. L. CLARKE, United States District Judge:

The Complaint in this action was filed on August 10, 2023. Since then, the Court has provided Plaintiff with four opportunities to show good cause as why Plaintiff has failed to serve the summons and Complaint on Defendants within the 90 days Rule 4(m) of the Federal Rules of Civil Procedure. *See* ECF Nos. 8, 10, 15, 17.


On January 10, 2024, after its third extension, Plaintiff filed an Affidavit of Service with Court. ECF No. 18. The document indicates that the process server served Defendants both in person and by mail on January 10, 2024. *Id.* As discussed in ECF No. 19, the date listed in the Affidavit of Service conflicts with representations made in counsel's prior letters. The Court provided counsel an opportunity to explain the discrepancy between his prior representations to the Court and the information provided in the Affidavit of Service. *See* ECF No. 19. The deadline has since passed.

Accordingly, Counsel for Plaintiff is hereby ORDERED to file a letter with the Court by **January 18, 2024** explaining why counsel failed to comply with the Court's Order at ECF No. 19 and the discrepancy between his prior representations to the Court and the information provided in the Affidavit of Service filed on January 10, 2024. If the Court does not receive any

such communication from Plaintiff by **January 18, 2024**, the Court will dismiss the case without further notice for failure to prosecute.

Dated: January 16, 2024
New York, New York

SO ORDERED.



JESSICA G. L. CLARKE
United States District Judge